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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 16th October 2004

No. 9307—li/1(SS)-18/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 1st October 2004 in Industrial Dispute Case No. 28/2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of Rourkela Steel Plant, Rourkela Dist. Sundargarh and their Workman Shri M. C. Nayak was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER,
LABOUR COURT, SAMBALPUR
INDUSTRIAL DISPUTE CASE No. 28 OF 2003
Dated the 1st October 2004

Present :

Shri G. N. Patra, LL.B.
Presiding Officer
Labour Court, Sambalpur.

Between :

The Management of
Rourkela Steel Plant
Rourkela, Dist. Sundargarh. . . First Party—Management

And

Their Workman
Shri M. C. Nayak represented
through the Rourkela Mazdoor Sabha
Bisra Road, Rourkela
Dist. Sundargarh. . . Second Party—Workman

Appearances :

For the First Party—Management	..	Shri P. K. Nayak A. L. O., RSP, Rourkela.
For the Second Party—Workman	..	Shri B. B. Sahoo Dy. General Secretary Rourkela Mazdoor Sabha.

A W A R D

This case arises out of the reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947 vide Memo. No. 5724 (5), dated the 11th June 2003 for adjudication of the disputes mentioned below :

“Whether action of the Management of Rourkela Steel Plant, Rourkela in inflicting punishment and subsequently not giving promotion to Shri M. C. Nayak, P. L. No. 42758, Sr. Operator, Crane of SPP (Opn.) Department, Sr. Grade with effect from the 30th June 2000 is legal and/or justified ? If not, to what relief Shri Nayak is entitled?”

2. In pursuance to the reference made by the State Government, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947, the second party Union and the first party management filed their respective statement of claim and written statement. But subsequently, the second party workman Shri M. C. Nayak represented through Union did not appear nor took any step in the matter. On the 16th August 2004, one Smt. Annapurna Nayak, Nalini Prava Nayak, Smruti Ranjan Nayak and Manas Ranjan Nayak claiming themselves to be the wife, son and daughters of deceased second party workman, late M. C. Nayak filed a petition enclosing xerox copies of the Death Certificate of the workman, late M. C. Nayak, Legal Heirs Certificate and Affidavit in support of their claim with copy to the Union representing the workman M. C. Nayak and the representative of the management claiming to drop the aforesaid case on the ground that legal heirs of the deceased workman have no more interest to pursue the aforesaid case. The representative of the first party management and the Union representing the second party workman M. C. Nayak have endorsed no objection “ on the body of the said petition of the legal heirs”.

I have heard both the sides on the petition, Perused the petition, legal heir certificate, death certificate and affidavit filed by the petitioners. It is found from the death certificate and the legal heir certificate issued by the competent authorities i. e. respectively by the Tahasildar, Rourkela and by the Registrar of Birth and Death and Health Officer, Rourkela Municipality that the second party workman late M. C. Nayak died on the 24th April 2004 and the petitioners being the wife, son and daughters of the deceased workman are his legal heirs. Neither the first party management nor the Union representing the second party workman late M. C. Nayak objects that the second party workman is dead and the petitioners are his legal heirs. The Union representing the second party workman late M. C. Nayak and the first party management have also endorsed on the body of the petition, dated the 16th August 2004 that they have no objection to the prayer of the petitioners. The petitioners have prayed in the petition to drop the aforesaid case as they are no more interested to pursue with the case.

In the above facts and circumstances, it would be just and proper to drop the proceeding as prayed for by the petitioners/legal heirs of second party workman late M. C. Nayak. Accordingly, the prayer of the petitioners, the legal heirs of second party workman to drop the proceeding is allowed. Since the proceeding is dropped on the prayer of the petitioners, who are none but the legal heirs of second party workman late M. C. Nayak, No Dispute Award with regard to the reference is passed.

Dictated and corrected by me.

G. N. PATRA
1-10-2004
Presiding Officer
Labour Court
Sambalpur

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Labour Court
Sambalpur

By order of the Governor
D. MISHRA
Under-Secretary to Government